

REMARKS

STATUS OF THE CLAIMS

Claims 1-15 are pending in the application.

Claims 1-15 are rejected.

Claims 1-15 are amended for clarity and believed to be not narrowing amendments.

Thus, claims 1-15 remain pending for reconsideration, which is respectfully requested.

No new matter has been added in this Amendment.

IN THE ABSTRACT

The Examiner objected to the Abstract, "because it includes that which is implied and idiomatic English." According to the foregoing, the Abstract is replaced taking into consideration the Examiner's comment. Withdrawal of the objection is respectfully requested.

IN THE SPECIFICATION

In page 4 of the Office Action, the Office Action objects to the specification and requires a substitute specification pursuant to 37 CFR 1.125(a), "because it is replete with idiomatic English."

Regarding the objection to the specification and the substitute specification requirements, 37 CFR 1.125(a) provides that a substitute specification might be required "[i]f the number or nature of the amendments or the legibility of the application papers renders it difficult to consider the application" However, upon a review of the specification, and in view of the Office Action not specifying why the specification has faulty English and/or not specifying any typographical errors, it is respectfully asserted that the specification uses proper idiomatic English sentences and the specification is not difficult to consider. Therefore, a substitute specification requirement is not appropriate, and withdrawal of the objection in view of the remarks is respectfully requested. MPEP 608.01(q).

The specification, page 6, line 14, is amended to correct an error as follows: --
advertisement sponsors pay an advertising cost to the ~~advertisement sponsor~~contents creator,--
. Support can be found in page 6, lines 10-16 and the paragraph spanning pages 6-7 of the

present application.

REJECTIONS

In page 5 of the Office Action, claims 1-15 are rejected under 35 USC 112, second paragraph, for being indefinite.

In page 6 of the Office Action, claims 1-15 are rejected under 35 USC 101, because the claimed invention is directed to non-statutory subject matter. The Office Action alleges that the claimed method consists solely of the manipulation of an abstract idea and is not concrete or tangible. The Office Action also alleges that the claim is devoid of any limitation to a practical application in the technological arts.

The independent claims are 1 and 15.

INDEPENDENT CLAIM 15

Regarding the foregoing 35 USC 112 and 101 rejections, the Applicant(s) note the following:

Independent claim 15 is amended for clarity taking into consideration the Examiner's comments. Independent claim 15 is definite and directed to statutory subject matter, because, for example, page 6, line 5 to page 9, line 30, expressly describe and define the claimed terms, such as "an advertisement tenant," "knocking down the advertisement tenant to the sponsor that has bid a highest price," "correcting the advertisement tenant contained in the contents in accordance with requests from the sponsor," and "distributing the completed contents." See, remarks below concerning the 35 USC 101 rejection. Therefore, as also described in more detail below, it is self evident that according to 35 USC 112, second paragraph, independent claim 15 particularly points out and distinctly claims the subject matter which the applicant regards as the invention, and withdrawal of the indefiniteness rejection is respectfully requested.

Regarding the 35 USC 101 rejection of independent claim 15, the preamble of independent claim 15 expressly recites, "15. (CURRENTLY AMENDED) ***A computer-readable recording medium storing a program*** to be executed by ***a computer, for realizing a digital contents advertisement display system*** using auction, the ***program controlling the computer according to a process comprising:***"

The operations of the computer program, which self evidently would ***control a computer***, comprise:

- disclosing an outline of contents to be distributed through a digital medium to an infinite number of audience including sponsors;

- a sponsor bidding for an advertisement tenant contained in the disclosed contents;

- knocking down the advertisement tenant to the sponsor that has bid a highest price;

- correcting the advertisement tenant contained in the contents in accordance with requests from the sponsor, and completing the contents; and

- distributing the completed contents,

- wherein the contents have a function as an advertising medium.

Withdrawal of the 35 USC 101 rejection, as well as 35 USC 112, second paragraph, indefiniteness rejection, for independent claim 15 is respectfully requested, because the independent claim 15 recites concrete, useful and tangible results of ***computer implemented operations*** comprising: "***disclosing an outline of contents to be distributed through a digital medium*** (e.g., a network, etc.) to an infinite number of audience including sponsors," "a sponsor ***bidding for an advertisement tenant contained in the disclosed contents***," "***knocking down*** (e.g., determining a winner sponsor, awarding, etc.) the advertisement tenant to the sponsor that has bid a highest price," "***correcting the advertisement tenant***," and "***distributing the completed contents***." In addition, it is self evident that all recited computer implemented operations in independent claim 15 would be within the technological arts. For example, the claim recitations, "distributing the completed contents" by "***a computer, for realizing a digital contents advertisement display system*** using auction" via "***a digital medium***," for example, Internet, digital broadcasting, computer readable media, etc., is concrete, useful, a tangible result and within the technological arts. See, State Street Bank & Trust Co. v. Signature Fin. Group, Inc., 149 F.3d 1368, 47 USPQ2d 1596 (Fed. Cir. 1998).

INDEPENDENT CLAIM 1

Regarding independent claim 1 and the 35 USC 112, second paragraph, indefiniteness rejection and the 35 USC 101 non-statutory subject matter rejection, independent claim 1, including dependent claims 2-14 thereof, are amended for clarity, taking into consideration the Examiner's comments.

1. (CURRENTLY AMENDED) A digital contents advertisement display computer system using auction, comprising:

a computer processor; and

a computer readable medium storing at least one computer program controlling the computer processor to control the digital contents advertisement display computer system according to a process comprising:

~~a contents outline disclosing part for disclosing an outline of contents to be distributed through a digital medium to an indefinite number of audience including sponsors~~audiences;

~~an advertisement tenant bidding part for allowing the audiences, as sponsors, a sponsor to bid for an advertisement tenant contained in the disclosed contents;~~

~~a sponsor determining part for knocking down a winner sponsor for the advertisement tenant to the sponsor that has bid from among the bidding sponsors, according to a highest price bid by a sponsor; and~~

~~a contents creating part for correcting completing the advertisement tenant contained in the contents in accordance with~~according to requests from the winning sponsor, and completing to complete the contents for distribution; and

~~a contents distributing part for distributing the completed contents, wherein the completed contents as distributed have a function as an advertising medium.~~

Support for the claim amendments can be found, for example, on page 6, lines 5-9 and 17-24; the paragraphs spanning pages 7-8 and 8-9; page 9, 2nd, 3rd, and 4th paragraphs; page 16, line 1 to page 17, line 9; and FIGS. 1, 2, 3, 8, and 9, of the present Application. Particularly, claims 1-14 as amended are definite and directed to statutory subject matter, because, respectively, for example, page 6, line 5 to page 9, line 30, expressly describe and define the claimed operations and claim 1 is directed to "A digital contents advertisement display computer system." Accordingly, claims 1-14 as amended are definite and recite statutory subject matter, according to 35 USC 112, second paragraph, and 35 USC 101.

In view of the claim amendments and remarks herein, withdrawal of the rejections of pending claims and allowance of pending claims is respectfully requested.


CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Respectfully submitted,
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